

This statutory provision guarantees that no citizen shall be denied access to the federal courts "solely because . . . poverty makes it impossible . . . to pay or secure the costs" of litigation. *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 342 (1948). The decision to grant or deny in forma pauperis status is within the discretion of the district court. *Cross v. General Motors Corp.*, 721 F.2d 1152, 1157 (8th Cir. 1983).

Upon consideration of the financial information provided with the application, the Court finds that plaintiff is financially able to pay the filing fee of Two Hundred and Fifty Dollars (\$250.00). *See* 28 U.S.C. § 1914(a).

Therefore,

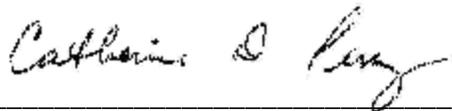
IT IS HEREBY ORDERED that plaintiff's motion for leave to proceed in forma pauperis [# 1] is **DENIED**.

IT IS FURTHER ORDERED that plaintiff shall have thirty (30) days from the date of this order to pay the \$250.00 filing fee.¹

IT IS FURTHER ORDERED that, if plaintiff fails to pay the filing fee within thirty (30) days, the Court will dismiss this action, without prejudice, pursuant to Fed. R. Civ. P. 41(b).

IT IS FURTHER ORDERED that plaintiff's motion for appointment of counsel [#4] is **DENIED**.

Dated this 21st day of March, 2006.



UNITED STATES DISTRICT JUDGE

¹The Court notes that if plaintiff pays the filing fee, she will be responsible for serving the summons and the complaint upon the defendant, *see* Fed. R. Civ. P. 4(c), or requesting the defendant to waive service of summons. *See* Fed. R. Civ. P. 4(d). Plaintiff is advised that she may seek guidance on serving the defendant from the Office of the Clerk.